

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TALELE MIKA,

Plaintiff,

v.

Civ. No. 20-346 MV/KK

MICHAEL BRISCO,
NEW MEXICO CORRECTIONS DEPARTMENT,
ALISHA TAFOYA LUCERO,
MICHAEL NAPPIER, ERIC CARTER,
ROY CEBALLOS, CLASSIFICATION OFFICER
JOHN OR JANE DOE, AND
INTAKE OFFICER JOHN OR JANE DOE,

Defendants.

ORDER DIRECTING ISSUANCE OF NOTICE AND WAIVER OF SERVICE FORMS

THIS MATTER is before the Court on its Order Granting Plaintiff's Motion to Include Defendants not Specifically Mentioned in the Amended Complaint and Granting In Forma Pauperis Status. (Doc. 68.) Plaintiff filed his Amended Complaint¹ on July 29, 2022. (Doc. 5.) On March 10, 2023, the Court granted Plaintiff leave to proceed *in forma pauperis* under 28 U.S.C. § 1915, granted Plaintiff's motion to amend the Amended Complaint, and deemed the Amended Complaint amended to substitute Defendants Nappier, Carter, and Ceballos for certain "Doe" defendants in the Amended Complaint. (Doc. 68.). The Court also ordered defense counsel to notify the Court by March 24, 2023, whether counsel are authorized to accept and/or waive service for Defendants Nappier, Carter, and Ceballos. (*Id.*) Defendants did not file a notice. Therefore, the Court will order the Court Clerk to issue notice of this action and waiver of service forms to

¹ The Court granted Plaintiff leave to file a "Supplement to the Amended Complaint (Doc. 5)." (Docs. 14, 16.) Unless otherwise specified, "Amended Complaint" refers to both the Amended Complaint (Doc. 5) and the Supplement to the Amended Complaint (Doc. 14).

Defendants Nappier, Carter, and Ceballos at the public address for Roswell Correctional Center. *See* Fed. R. Civ. P. 4(c)(3) (plaintiffs who obtain leave to proceed in forma pauperis are entitled to court-supplied service); <https://www.cd.nm.gov/divisions/adult-prison/nmcd-prison-facilities/>. If the first attempt at service fails for Defendants Nappier, Carter, or Ceballos, Plaintiff may be ordered to provide more current addresses for those defendants. *See Washington v. Correia*, 546 Fed. App'x 786, 789 (10th Cir. 2013).

IT IS ORDERED that the Court Clerk is **DIRECTED** to issue notice of this action and waiver of service forms, with a copy of 1) the Amended Complaint (Doc. 5), 2) the Supplement to the Amended Complaint (Doc. 14), 3) the Order Granting Plaintiff's Motion to Include Defendants not Specifically Mentioned in the Amended Complaint and Granting In Forma Pauperis Status (Doc. 68), and 4) this Order to Defendants Nappier, Carter, and Ceballos at the following address:

Roswell Correctional Center
578 W. Chickasaw Road
Hagerman, New Mexico 88232

IT IS SO ORDERED.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE